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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,486	11/15/2001	Kojiro Katayama	35.C15946	7223
5514	7590	04/12/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			WANG, LIANG CHE A	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	
			2155	
DATE MAILED: 04/12/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/987,486

Applicant(s)

KATAYAMA ET AL.

Examiner

Liang-che Alex Wang

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10,20,30 and 33-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10,20,30 and 33-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 10, 20, 30, 33-53 are presented for examination.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/03/06 has been entered.
3. Information Disclosure Statements as received on 1/18/2006 is considered.

### ***Response to Arguments***

4. Applicant's arguments filed 3/03/2006, have been fully considered but they are not persuasive.
5. In that remarks, applicant's argues in substance:
  - a. That: "nothing has been found in Kanaya that would teach or suggest a "an instruction unit, adapted to provide a delivery instruction for delivery of the expendable."" (page 3)

This is not found persuasive because Kanaya teaches in page 4 paragraph 37, a computer (an instruction unit) reads the programs stored in such a recording medium and carries out (adapted to provide) including the detection of the ink supply condition, the count of ink ejecting number, and the monitor of the residual quantity of ink (deliver instructions for deliver of the expendable).

Functions provided from Kanaya's system such as the detection of the ink supply condition, the count of ink ejecting number, and the monitor of the residual quantity of ink correspond to delivery instruction because these functions are helping printing (delivering inks to the paper), and inks are expendables.

- b. That: "nothing has been found in Kanaya that would teach or suggest "a second storage unit, adapted to store history information indicating a history of the delivery instruction provided by said instruction unit.""

This is not found persuasive because Kanaya teaches in page 4 paragraph 36, a program for monitoring a residual quality of ink remaining in an ink reservoir is recorded in a computer readable manner. Delivery instructions mentioned in page 4 paragraphs 37 are recorded.

- c. That: "nothing has been found in Kanaya that would teach or suggest "an information unit, adapted to inform an alarm based on the history information stored in said second storage unit and a new reception of the absence information received by said receiver unit, after said instruction unit provided the delivery instruction."

This is not found persuasive because Kanaya teaches in page 4 paragraph 32 and 33, an alarm may be given when there is a need to replace the inks based on the monitoring information as described in paragraphs 36-37.

*Claim Rejections - 35 USC § 102*

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

7. Claims 10, 20, 30, 33-53 are rejected under 35 U.S.C. 102(e) as being anticipated by Kanaya et al, US Publication Number 2002/0140748, hereinafter Kanaya.
8. Referring to claim 10, Kanaya teaches an inventory management system (see title of Kanaya) comprising:
- a. a first storage unit, adapted to store inventory information indicating an inventory number of an expendable used in a printer (Figure 4);
  - b. a receiver unit, adapted to receive absence information indicating that the inventory number of the expendable is zero or less than a predetermined number (page 11 [0135] lines 12-17; [0032] lines 2-5);
  - c. an instruction unit, adapted to provide a deliver instruction for delivery of the expendable (page 4 [0037], printing by ejecting the ink corresponds to delivery of the expendable);
  - d. a second storage unit, adapted to store history information indicating a history of the delivery instruction provided by said instruction unit (page 22 [0020] recording mode records the ink supply condition, page 4[0036]); and

- e. an information unit, adapted to inform an alarm based on the history information stored in said second storage unit and a new reception of the absence information received by said receiver unit, after said instruction unit provide the delivery instruction (page 4 [0032-0034] alarm is given when the predetermined capacity of the ink reservoir become not greater than a predetermined value).
9. Referring to claim 33, Kanaya further teaches a system according to claim 10, wherein the inventory information stored by said first storage unit can be monitored by an external apparatus (page 6 [087] lines 5-8, computer 80 corresponds to external apparatus).
10. Referring to claim 34, Kanaya further teaches a system according to claim 10, wherein the inventory information can be monitored by a browser provided in the external apparatus (page 6 [0087] lines 5-8, and figure 2), and said first storage unit is able to output display information enabling the browser to monitor the inventory information (figure 15 page 4 [0036-0037]).
11. Referring to claim 35, Kanaya further teaches a system according to claim 33, wherein said first storage unit stored the inventory information for each one of a plurality of expendable types, and the inventory information can be monitored for each expendable type by the external apparatus (see figure 15).
12. Referring to claim 36, Kanaya further teaches a system according to claim 35, wherein said second storage unit stores the history information for each one of the plurality of expendable types so as to show that the delivery instruction has been provided for each expendable type by the external apparatus (page 6 [0087] lines 5-8.)

13. Referring to claim 37, Kanaya further teaches a system according to claim 36, further comprising an order reception unit adapted to receive an order for an expendable of any one of the plurality of expendable types from the external apparatus, wherein the external apparatus is provided with an order placement display screen having a plurality of order placement sections for respective ones of the plurality of expendable types and wherein each order placement section is activated or inactivated in accordance with the inventory number of expendable for a expendable type corresponding to the order placement section (page 11 [0135], green to light to demand replacement of ink cartridge).
14. Referring of claim 38, Kanaya further teaches a system according to claim 10, wherein the expendable is toner or ink (see title).
15. Referring to claim 39, Kanaya further teaches a system according to claim 10, wherein the absence information indicates that a remaining amount of an expendable is at a low lever (page 1 [0002].)
16. Referring to claims 20, 40-46, and 30, 47-53. Claims 20, 40-46, and 30, 47-53 encompass the same scope of the invention as that of the claims 20, 33-39. Therefore, the claims 20, 40-46, and 30, 47-53 are rejected for the same reason as the claims 20, 33-39.

### *Conclusion*

17. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.129(a) and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the

application prior to entry under 37 CFR 1.129(a). Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the submission under 37 CFR 1.129(a). See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

18. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.
19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liang-che Alex Wang whose telephone number is (571)272-3992. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.
20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571)272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status



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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Liang-che Alex Wang *lcw*  
March 30, 2006

  
SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER